

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

WILEY GILL, JR.

Defendant and Appellant.

B208761

(Los Angeles County  
Super. Ct. No. YA056750)

THE COURT:\*

Wiley Gill, Jr., also known as Gill Wiley, Jr., appeals from the judgment entered upon resentencing on his convictions of possession of cocaine base (Health & Saf. Code, § 11350, subd. (a)) and possession of a device for smoking a controlled substance (Health & Saf. Code, § 11364), after remand by this court with directions that the trial court either impose or strike, with articulated reasons, the prior prison term enhancement.<sup>1</sup> On resentencing, the trial court dismissed the prior prison term enhancement, “because this was a nonviolent drug related offense.”

---

\* BOREN, P. J., DOI TODD, J., CHAVEZ, J.

<sup>1</sup> We need not recite the underlying facts regarding appellant’s offenses as this appeal pertains only to the sentencing issue.

We appointed counsel to represent appellant on appeal. After examination of the record, counsel filed an “Opening Brief” in which no issues were raised. On July 31, 2008, we advised appellant that he had 30 days within which to personally submit any contentions or issues which he wished us to consider.

On September 18, 2008, appellant filed a supplemental brief containing documents not in the appellate record before us. The brief is unclear as to whether appellant is raising issues pertaining to his trial and pre-verdict proceedings, such as discovery issues, withholding of evidence, fabrication of evidence, and illegality of the search and seizure, or if he is raising an issue as to ineffective assistance of appellate counsel in failing to raise the foregoing-mentioned issues in his first appeal.

In either event, appellant’s contentions are inappropriate because (1) appellant has failed to articulate in any meaningful manner the nature of his contentions, (2) to the extent his contentions pertain to matters prior to sentencing and beyond the sole sentencing issue on remand, they are inappropriate and forfeited by his failure to raise them in the prior appeal (*People v. Murphy* (2001) 88 Cal.App.4th 392, 395 [“... California law prohibits a direct attack upon a conviction in a second appeal after a limited remand for resentencing or other posttrial procedures”]); see also *People v. Senior* (1995) 33 Cal.App.4th 531, 535), and (3) to the extent his contention pertains to ineffective assistance of appellate counsel, he raises matters and includes documents outside of the record on appeal, and ineffective assistance of counsel claims on such matters “generally must be raised in a petition for writ of habeas corpus,” and cannot be raised on appeal. (*People v. Salcido* (2008) 44 Cal.4th 93, 172.) Appellant has appealed from the judgment entered upon resentencing which was favorable to him and has failed to raise any issues pertaining to that resentencing.

We have examined the entire record and are satisfied that appellant’s attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.